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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 10/572,992 | 03/23/2006 | Kouichi Ishii | F-9013 | 9079 |

28107 7590 07/06/2009
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| EXAMINER | |
|---|---|
| PIZIALI, ANDREW T | |
| ART UNIT | PAPER NUMBER |
| 1794 | |

| MAIL DATE | DELIVERY MODE |
|---|---|
| 07/06/2009 | PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/572,992 | ISHII ET AL. | |
| | Examiner | Art Unit | |
| | Andrew T. Piziali | 1794 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *17 April 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1 and 3-12* is/are pending in the application.

4a) Of the above claim(s) *7-12* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 and 3-6* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *3/23/06 & 4/17/09* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## DETAILED ACTION

### *Response to Amendment*

1. The amendment filed on 4/17/2009 has been entered.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 3,848,296 to Rudloff in view of USPN 3,873,411 to Drelich.

Rudloff discloses a regeneration method comprising the step of fibrillating a used fiber mass such that dust adhering to the fiber mass is separated (see entire document including column 1, lines 40-56 and column 2, lines 45-52).

Rudloff discloses that the invention relates to nonwoven materials (column 2, lines 45-52) but Rudloff does not appear to specifically disclose that the fiber mass is a nonwoven fabric. Drelich discloses that it is known in the art to recover fibers from nonwoven fabrics (see entire document including column 1, lines 11-17). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to recover and clean a used nonwoven fabric, because it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability and desired characteristics.

Rudloff specifically discloses that the fiber material may be used to make nonwoven materials (column 2, lines 45-52), but Rudloff does not appear to specifically disclose using the fibrillated fibers to produce a nonwoven fabric. Drelich discloses that it is known in the fiber recovery art to use recovered fibers to produce nonwoven fabrics (column 1, lines 11-17, Example I, and Example XX). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the recovered fibers to make a nonwoven fabric, because the fibers are suitable for reuse and because it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability and desired characteristics.

Regarding claim 3, the fibrillating is effected by an automatic fibrillating apparatus (see Figures and column 2, lines 4-33).

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 3,848,296 to Rudloff in view of USPN 3,873,411 to Drelich as applied to claims 1 and 3 above, and further in view of USPN 5,603,476 to Merk.

Rudloff does not appear to mention a chemical agent being adhered to the used fabric, but Merk discloses that it is known in the dust fabric art to adhere an activated carbon coating to a fabric to provide the fabric with an absorption characteristic (see entire document including column 2, lines 30-45). It would have been obvious to one having ordinary skill in the art at the time the invention was made to apply an activated carbon coating to the fabric, motivated by a desire to provide the fabric with an absorption characteristic.

5. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 3,848,296 to Rudloff in view of USPN 3,873,411 to Drelich as applied to claims 1 and 3 above, and further in view of USPN 6,010,785 to Kruszewski.

Rudloff discloses that the fiber mass may comprise any fibrous material, such as synthetic or natural fibrous material (column 2, lines 45-52), but Rudloff does not appear to specifically mention the use of PTFE fibers or glass fibers. Kruszewski discloses that it is known in the filter fabric art to mainly use PTFE fibers and to use glass fibers in a minor amount (see entire document including column 2, lines 16-48 and column 3, line 13 through column 4, line 7). It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the used fabric from any suitable fibrous material, such as PTFE fibers and glass fibers, as taught by Kruszewski, because it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability and desired characteristics.

***Response to Arguments***

6. Applicant's arguments filed 4/17/2009 have been fully considered but they are not persuasive.

The applicant asserts that the applied prior art fails to teach or suggest all of the claimed elements because Rudloff does not relate to recycling of heavily contaminated filters. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the feature upon which applicant relies is not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The applicant asserts that the applied prior art fails to teach or suggest all of the claimed elements because Rudloff allegedly only removes a minor amount of naturally occurring matter. Applicant's argument is not persuasive because Rudloff specifically discloses that dust is removed (column 1, lines 52-56).

The applicant asserts that the applied prior art fails to teach or suggest all of the claimed elements because Drelich allegedly fails to teach or suggest a step of removing dust from fiber. Applicant's argument is not persuasive because Rudloff, the primary reference, already teaches the removal of dust limitation. One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

***Conclusion***

7. Applicant's amendment necessitated any new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew T. Piziali whose telephone number is (571) 272-1541. The examiner can normally be reached on Monday-Friday (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Larry Tarazano can be reached on (571) 272-1515. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andrew T Piziali/
Primary Examiner, Art Unit 1794